

HOUSE BILL 1329

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 50, relative to wage theft.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-2-103, is amended by adding the following as a new subsection (j) and redesignating the subsequent subsection accordingly:

(j)

(1) In addition to all other penalties and remedies available pursuant to this section:

(A) An employer who fails to pay the full wages due and owed to an employee shall be required to pay the employee the unpaid wages due, including any interest, and an additional amount equal to two (2) times the unpaid wages due; and

(B) If an employer willfully violates subsection (g), in addition to the remedy in subdivision (j)(1)(A), the employee may recover the average amount of wages the employee would have earned from the date the employee's employment ended until the date the wages are paid, an action is commenced, or thirty (30) days have passed, whichever comes first. However, this subdivision (j)(1)(B) does not allow an employee to recover under this subdivision (j)(1)(B) if the employee refuses payment or evades the employer to prevent the employer from making payment.

(2) In order to obtain the relief provided in subdivision (j)(1)(A), the employee may file a complaint with the department of labor and workforce development. Upon the filing of a complaint, the department shall investigate

whether the employee is entitled to the remedy provided in subdivision (j)(1)(A).

Any decision of the department pursuant to this subdivision (j)(2) shall be appealable pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) Notwithstanding the actions of the department, in order to obtain the relief provided in subdivision (j)(1)(B), the employee may file an action in a court of competent jurisdiction. If an employee prevails in an action filed pursuant to this subdivision (j)(3), the court may award reasonable attorney's fees and costs to the employee.

SECTION 2. Tennessee Code Annotated, Section 50-2-113(b), is amended by adding the following language to the end of the subsection:

An employee who is the victim of theft of wages or the denial of fair compensation may seek redress pursuant to § 50-2-103.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to wages due and owing to an employee but not paid on or after the effective date of this act.